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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**JOE R. PALMER, an individual,**

**Plaintiff,**

**vs.**

**WAL-MART STORES, INC.,**

**Defendant.**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

**Case No. 2:04CV956 DAK**

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This matter is before the court on Defendant's Objection to the Magistrate Judge's Report and Recommendation (the "R&R"). On September 28, 2005, this case was referred to the Magistrate Judge under 28 U.S.C. § 636(b)(1)(A). On March 23, 2006, the Magistrate Judge issued a Report and Recommendation, granting Defendant's Motion to Strike, denying Plaintiff's Motion for a Protective Order, and recommending that Plaintiff's action be dismissed due to various discovery violations and the failure of Plaintiff's counsel to heed the court's previous stern warnings.

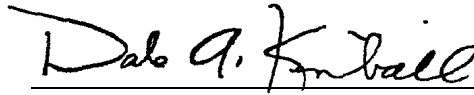
On April 3, 2006, Plaintiff filed an Objection to the R&R. Defendant, on April 21, 2006, filed a response to Plaintiff's Objections. The court has considered all of the parties' submissions related to the R&R and has also reviewed the entire case file.

Having reviewed the file in its entirety, the court hereby APPROVES and ADOPTS the Magistrate Judge's Report and Recommendation in its entirety. Plaintiff's action is hereby DISMISSED with prejudice. The court, however, declines to award costs and fees as an

additional sanction. The Clerk of the Court is directed to enter judgment accordingly.

DATED this 17<sup>th</sup> day of May, 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL

United States District Judge